

CORRECTED FISCAL MEMORANDUM

SB 192 – HB 713

April 16, 2007

SUMMARY OF AMENDMENT (004709): Deletes all language after the enacting clause. Adds sexual exploitation of a minor, aggravated sexual exploitation of a minor and especially aggravated exploitation of a minor to the offenses that are ineligible for probation or judicial diversion. Offender shall serve 100% of the sentence imposed by the court less sentence credits earned.

FISCAL IMPACT OF ORIGINAL BILL:

MINIMAL

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

On March 18, 2007, we issued a fiscal memorandum on this amendment indicating *an increase in state expenditures of \$217,500/Incarceration**. Based on additional information from the Department of Correction, the fiscal impact of the bill with the proposed amendment is as follows:

(CORRECTED)

Increase State Expenditures - \$1,590,900 / Incarceration*

Assumptions applied to amendment:

- According to the Administrative Office of the Courts, there have been an average of 14 convictions per year for the past five years for sexual exploitation of a minor; five convictions per year for the past five years for aggravated sexual exploitation of a minor; and 10 convictions per year for the past five years for especially aggravated sexual exploitation of a minor.
- The Department of Correction (DOC) estimates that 50% (3) of those convicted for aggravated sexual exploitation of a minor received probation and under this bill would be ineligible for probation. Three persons will be convicted of a Class C felony for aggravated sexual exploitation of a minor and will serve 2.0 years (730.50 days). According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 2.0 years is \$43,946.88 (\$60.16 x 730.50 days). The total additional operating cost for three offenders is \$131,840.64 (\$43,946.88 x 3).
- DOC estimates that 75% (11) of those convicted for sexual exploitation of a minor received probation and under this bill would be ineligible for probation. Eleven persons would be convicted of a Class D felony offense of sexual exploitation of a minor in the first year and would serve 3.0 years (1095.75 days). According to the U.S. Census Bureau, the population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population

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growth would result in one additional offender in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by § 9-4-210, is based on 12 offenders serving 3.0 years (1095.75 days). The cost per inmate at 3.0 years is \$65,920.32 (\$60.16 x 1095.75 days). The total additional operating cost in the tenth year for 12 offenders is \$791,043.84 (\$65,920.32 x 12).

- According to DOC, there have been an average four admissions per year for the last three years for sexual exploitation of a minor; 2 admissions per year for the past three years for aggravated sexual exploitation of a minor; and 3 admissions per year for the past three years for especially aggravated exploitation of a minor. These offenders would serve 100% under this bill rather than the current 30%.
- Three offenders convicted of especially aggravated exploitation of a minor will serve an additional 4.4 years as a result of this bill. The cost per inmate at 2.4 years is \$52,736.27 (\$60.16 x 876.60 days). The cost per inmate at 6.8 years is \$149,419.39 (\$60.16 x 2483.70 days). The additional cost from increasing the average sentence length from 2.4 years to 6.8 years is \$96,683.12 (\$149,419.39 - \$52,736.27). The total additional operating cost for three offenders is \$290,049.36 (\$96,683.12 x 3).
- Two offenders convicted of aggravated sexual exploitation of a minor will serve an additional 4.4 years as a result of this bill. The cost per inmate at 2.4 years is \$52,736.27 (\$60.16 x 876.60 days). The cost per inmate at 6.8 years is \$149,419.39 (\$60.16 x 2483.70 days). The additional cost from increasing the average sentence length from 2.4 years to 6.8 years is \$96,683.12 (\$149,419.39 - \$52,736.27). The total additional operating cost for two offenders is \$193,366.24 (\$96,683.12 x 2).
- Four offenders convicted of sexual exploitation of a minor would serve an additional 2.1 years. The cost per inmate at 0.9 years is \$19,776.40 (\$60.16 x 328.73 days). The cost per inmate at 3.0 years is \$65,920.32 (\$60.16 x 1095.75 days). The additional cost from increasing the average sentence length from 0.9 years to 3.0 years is \$46,143.92 (\$65,920.32 - \$19,776.40). The total additional operating cost for four offenders is \$184,575.68 (\$46,143.92 x 4).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/LSC